

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

COLTON J. NOVASCONE,

Plaintiff,

vs.

DANIEL DANAHER, P.A., N.D.C.S.;

Defendant.

8:19CV201

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's Motion for Discovery. (Filing 40.) Plaintiff seeks a copy of his entire medical file from the Nebraska Department of Correctional Services, the Nebraska Correctional Youth Facility, and Bryan West Hospital.

It appears Plaintiff filed this discovery request in this court and also served a copy on counsel for Defendant. (*Id.* at CM/ECF p. 2–3.) This court will not facilitate discovery between the parties unless it is called upon to resolve a dispute over which the parties cannot reach an agreement. Pursuant to NECivR 7.1(i),

To curtail undue delay in the administration of justice, this court only considers a discovery motion in which the moving party, in the written motion, shows that after personal consultation with opposing parties and sincere attempts to resolve differences, the parties cannot reach an accord. This showing must also state the date, time, and place of the communications and the names of all participating persons. "Personal consultation" means person-to-person conversation, either in person or on the telephone. An exchange of letters, faxes, voice mail messages, or emails is also personal consultation for purposes of this rule upon a showing that person-to-person conversation was attempted by the moving party and thwarted by the nonmoving party.

Plaintiff has not complied with NECivR 7.1(i), and his Motion for Discovery is denied without prejudice to reassertion.

Plaintiff should serve his discovery requests on counsel for Defendants or on the entities from which he seeks production of his medical files. *See* Fed. R. Civ. P. 34 (a party may serve a request on another party to produce relevant and non-privileged documents in the party's possession, custody, or control); Fed. R. Civ. P. 45 (governing subpoenas for production of documents to non-parties).

IT IS THEREFORE ORDERED that: Plaintiff's Motion for Discovery (filing 40) is denied without prejudice to reassertion.

Dated this 21st day of April, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge